

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DOE, et al.,

Plaintiffs,

-against-

BEDFORD CENTRAL SCHOOL DISTRICT,
et al.,

Defendants.

ORDER

18-CV-11797 (PMH)

PHILIP M. HALPERN, United States District Judge:

The Court held an in-person pretrial conference on January 31, 2023. Counsel for all parties appeared. As explained more fully on the record during the appearance, the Court directs as follows:


1. This case is now set as the backup case to a primary case currently scheduled for trial on **April 10, 2023**, should the primary case not go forward. This case must therefore be trial-ready for **April 10, 2023**. The Court will inform the parties whether this matter will proceed to trial on **April 10, 2023** as soon as possible. If the case cannot proceed to trial on **April 10, 2023**, it shall proceed on **May 24, 2023**.
2. The parties shall meet and confer and submit a marked pleading in accordance with Rule 3(b) of the Court's Individual Practices by **March 1, 2023**.
3. The parties shall meet and confer regarding the Court's directives and instructions as to the Proposed Joint Pretrial Order (Doc. 135) and file, by **March 1, 2023**, an Amended Proposed Joint Pretrial Order.
 - a. Should either party decide to withdraw any of the witnesses listed in the Joint Pretrial Order, they must do so by **March 10, 2023**. Defendants agreed today and on the record to withdraw Lesley Levine, Erin Filner, and Alyssa Kant as witnesses. The parties are directed to meet and confer on the health status of Defendant Christopher Manno and determine whether he will be available for trial and, if not, whether any deposition testimony needs to be designated.
 - b. The parties shall meet and confer and advise the Court by **March 1, 2023** on their efforts to streamline the exhibits offered by each side in the Proposed Joint Pretrial Order and to resolve any and all objections thereto. The parties shall also renumber their exhibit lists sequentially. With respect to Plaintiffs'

Exhibits currently numbered 131, 136, 137, 138, 140, and 144, the parties may each submit, by **March 1, 2023**, a 2–3-page memorandum letter, citing specific case law, with respect to the admissibility of those exhibits.

- c. Each exhibit listed in the Proposed Joint Pretrial Order (Doc. 135) for which no objection is raised therein is admitted for all purposes at trial. The resubmitted Joint Pretrial Order shall identify those exhibits as “admitted” under the “Objections” column.
4. The parties shall meet and confer regarding the Proposed Verdict Sheet (Doc. 134) and file, by **March 1, 2023**, an Amended Proposed Verdict Sheet in accordance with the Court’s comments thereto on the record.
5. The parties shall meet and confer regarding objections in the Proposed Joint Jury Instruction (Doc. 133) and file, by **March 1, 2023**, an Amended Proposed Joint Jury Instruction in accordance with the Court’s comments thereto on the record. Any remaining objections must cite to **Sand’s** or to specific caselaw in the Second Circuit.
6. The following questions in the parties’ Proposed *Voir Dire* (Doc. 130) are **denied**: 10; 27(e)-(g); 32(a); 33; 42; and 47. The remaining questions are **granted** or **granted in substance**.
 - a. The parties shall meet and confer and file, by **March 1, 2023**, an Amended Proposed *Voir Dire* Form in accordance with the Court’s rulings. The parties shall also submit a proposed statement of the case and shall re-format the *voir dire* questions into a Part I and a Part II, as directed on the record.
7. Three exhibit binders including indices and flashdrives shall be produced for each side to the Court no later than **April 1, 2023**.
8. A Final Pretrial Conference is scheduled for **10:00 a.m. on April 4, 2023**, in person, in Courtroom 520 of the White Plains Courthouse.

SO ORDERED:

Dated: White Plains, New York
January 31, 2023



PHILIP M. HALPERN
United States District Judge